

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Mahmoud KHALIL,

*Petitioner,*

v.

Donald J. TRUMP, in his official capacity as President of the United States; William P. JOYCE, in his official capacity as Acting Field Office Director of New York, Immigration and Customs Enforcement; Yolanda PITTMAN, in her official capacity as Warden of Elizabeth Contract Detention Facility; Caleb VITELLO, Acting Director, U.S. Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary of the United States Department of Homeland Security; Marco RUBIO, in his official capacity as Secretary of State; and Pamela BONDI, in her official capacity as Attorney General, U.S. Department of Justice,

*Respondents.*

Case No. 25-cv-01963  
(MEF-MAH)

**[PROPOSED] ORDER**

MOTION DATE:  
AUGUST 4, 2025

This matter is before the Court on the Petitioner's Motion for Preliminary Injunction Regarding the Post-Hoc Charge. Upon review of the Petitioner's submissions, argument, evidence, and applicable authority, the motion is GRANTED.

IT IS HEREBY ORDERED THAT:

- (1) Respondents are enjoined from detaining or arresting Petitioner pending further order of this Court;
- (2) Respondents are preliminarily enjoined from seeking to remove or detain Petitioner based on the charge of removability under 8 U.S.C. § 1227 (a)(1)(A) based on alleged inadmissibility under 8 U.S.C. § 1182(a)(6)(C)(i) as set forth in the I-261, Additional Charges of Inadmissibility/Deportability of March 17, 2025 ("Post-Hoc Charge"), and are ordered to withdraw the Post-Hoc Charge during the pendency of these proceedings.

- (3) Respondents—including, but not limited to, the immigration judge and the Board of Immigration Appeals—are enjoined from referencing, relying on, or otherwise giving effect to the Post-Hoc Charge at any stage of Petitioner’s removal proceedings, pending further order of this Court.
- (4) Should Respondents seek to arrest or detain Petitioner on any other asserted basis for removability other than the Post-Hoc Charge, Respondents are ordered to provide seventy-two hours advance notice to the Court and counsel, in order to enable Petitioner an opportunity to be heard regarding whether any such asserted basis for arrest or detention constitutes a pretext for First Amendment retaliation.

IT IS SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2025.

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HON. MICHAEL E. FARBIARZ United  
States District Judge